RESPONSE TO THE REJECTIONS

Claims 1-3 and 5 have been rejected under 35 USC 102(b) as anticipated by the Potter reference (US Patent No. 5,697,614) that we cited to the PTO.

This rejection is respectfully traversed.

The Potter reference shows a dealer receiving multiple hands, and the player electing to play against one of the hands **only**, using different rules of play depending upon the player's election of game rules. The game rules of Potter lack the option of playing against both hands in the same game. This is significantly different from the recited practice. Although the use of only two dealer hands and the selection of one dealer hand are within the scope of section b), limitation c) is absent from the teachings of Potter. Potter describes a high-low game, where the player must select **one hand** among the use of two different sets of rules when selecting the hand against which play will be engaged. The portion of the text quoted by the Examiner on Column 4, lines 44-49 requires that one set of rules be applied to one hand and another set of rules be applied to the other hand. The recited use of a single set of rules against two different dealer hands is a fundamentally different method of play and is not anticipated by Potter et al.

The claims in the present Application recite that a single set of rules be used in the competition against the hands. This is also not present in Potter, where a selection of High or Low is made. The rejection must be withdrawn.

Claim 7 is rejected under 35 USC 102(b) as anticipated by the Jones et al. reference (U.S. Patent No. 4,861,041, Caribbean Stud® poker).

CLAIM 7 recites:

> A method of playing a casino table card game with a player hand competing against at least one dealer hand, wherein a player makes an ante wager and elects to make a bonus wager, wherein the player is paid a first amount for a predetermined hand on the bonus wager when the at least one dealer hand qualifies with an at least predetermined rank and is paid a second amount for a predetermined hand on the bonus wager when the at least one dealer hand rank does not qualify with an at least predetermined rank in the casino table card game, wherein the first amount is different from the second amount, and neither the first amount or the second amount is zero.

The rejection as anticipated by Jones et al. is fundamentally in error, without amendment. Jones does not differentially pay on the **bonus wager** when the dealer qualifies as recited in claim 7. Jones et al. pays on the bonus wager **only** when the player achieves the ranked hand, and the failure to pay when the dealer hand does not qualify in Caribbean Stud® poker is excluded by the recitation of "...neither the first amount or the second amount is zero ..." On the **bet wager** in Jones et al., the dealer pays on ranked hands **only** when the dealer qualifies. There is absolutely no anticipation or underlying relationship between the identified claim limitations noted and the Jones et al. disclosure. Jones et al. always pays a maximum 1:1 with respect to the ante wager and only pays on the bet wager when the dealer qualifies and the player hand is a higher rank than the dealer's single hand. Therefore the "first amount in Jones et al.) is always zero, which is excluded from the claim.

Claims 8 and 9 have been rejected under 35 USC 103(a) as obvious over the Jones et al. reference.

As Jones et al. fails to provide a teaching of the underlying limitations of claim 7, and as there is no basis for assertion in the rejection that the limitations of claim 7 are obviou8s from the teachings of Potter, this rejection must also fail.

Claims 4, 10, 11 and 15-19 have been rejected under 35 USC 103(a) as obvious over Potter in view of Hedman (U.S. Patent No. 5,678,821, cited by the PTO).

CLAIM 4 recites:

4. The method of claim 1 wherein the dealer is dealt exactly three initial hands and the player is dealt one hand.

CLAIM 10 recites:

10. A method of playing a casino table poker-type game comprising:

a player placing an Ante wager on the poker-type game;

the dealer providing one hand to the player placing the Ante wager on the poker- type game;

the dealer providing three hands to the dealer which are initially dealt dealer hands;

the player electing to a) fold, b) place a wager to compete against a lower two ranked poker hands in the dealer hands, or c) placing a wager to compete against all three dealer hands as poker hands; and

disclosing all of the dealer's three hands; and

resolving wagers made in accordance with b) and c).

Hedman discloses three dealer **blackjack hands** and only two poker hands (in distinct games). There is no optional aspect of play to the Hedman games (as recited in claim 10) and there are not three poker hands (as recited in claim 4). All hands must be played according to fixed rules. It does not seem to be possible to combine the Potter and Hedman games in any rational manner to even approach the claimed games of this application. NEW Claim 23 adds the limitation "under a single set of poker game rules" to a new independent claim further provides additional distinction from the teachings of Hedman in combination with the Potter et al. reference. There is no basis for so drastically altering the play of Potter in view of Hedman as must be done to assert obviousness in the recited limitations of claim 10. No *prima facie* basis for obviousness has been established in this rejection.

Claim 12 has have been rejected under 35 USC 103(a) as obvious over Potter in view of Hedman (U.S. Patent No. 5,678,821, cited by the PTO) in further view of Lott (U.S. Patent No. 5,851,011).

As noted directly above, the combination of Potter in view of Hedman fails to teach the underlying limitations of Claim 10. The addition of Lott fails to correct that deficiency. Even if Lott teaches the limitations for which it is cited, Lott does not overcome the fundamental deficiencies and the fatal omissions of the teachings of Potter alone, and Potter in View of Hedman. No reference or combination of references teaches that a player may elect to a) fold, b) play against less than all or c) play against all of the multiple dealer hands, and receive bonus awards depending upon the number of dealer hands that the player's single hand beats under a single set of poker rules.

Claims 6, 13, 14, 20 and 21 have been rejected under 35 USC 103(a) as obvious over Potter in view of Hedman (U.S. Patent No. 5,678,821, cited by the PTO) and further in view of Jones et al.

With respect to claim 6, there is absolutely no suggestion or teaching in Jones et al. to the effect that: "when all dealer's hands are below a predetermined qualifying rank, the player will be paid more for having rank in the player's hand than if the dealer had at least one hand equal to or above the predetermined rank."

Applicants agree that this feature is not shown by the combination of Potter in view of Hedman, but disagree that there is any suggestion in Jones et al. that would lead one skilled in the art to add that specific award basis. There is no teaching in Jones et al. that the presence of any lower ranked dealer hand will increase the payout odds for a player's hand. Claim 6 is clearly unobvious over the teachings of the combination of these three references.

With respect to claim 13, that claim recites that: "each of the dealer's three hands must be of at least a minimum predetermined rank in order to play against the player or players." Although Jones et al. requires that their single dealer hand exceed a minimum rank to play against the players, there is no basis for there being three poker hands played against the player(s) from the teachings of Potter in view of Hedman, and there is no basis for analysis of the rules and format of play that would suggest requiring that all three hands exceed a minimum. This rejection is based upon unwarranted and unmotivated extrapolation, without any suggestion of even that direction of change from any of the three references cited in the rejection. This rejection is in error and must be withdrawn.

Claims 14, 20 and 21 are ultimately dependent from claim 13 and the above arguments apply to those claims also.

Claims 23-28 have been provided to define a variant scope of the claimed invention.

CONCLUSION

The rejections of record have been overcome by argument and/or amendment. The rejections must be withdrawn and all claims allowed. If the Examiner believes that minor issues may be resolved by direct telephone correspondence with the attorney of record, the Examiner is courteously invited to call the attorney of record at **952.832.9090** during conventional Central Standard Time business hours.

Respectfully submitted,

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